

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

KEVIN SO,)
)
Plaintiff,)
)
VS.) CASE NO.
) CV 08-3336 DDP (AGRx)
LAND BASE, LLC; UNIVEST)
FINANCIAL SERVICES, INC.;)
BORIS LOPATIN, individually)
and d/b/a BORIS LOPATIN)
ASSOCIATES; CHARLES W.)
WOODHEAD; KEVIN R. KONDAS,)
KEITH MILLAR; KM & ASSOCIATES)
INTERNATIONAL, LLC; KB&M)
PROJECTS, INTERNATIONAL, LLC;)
CTL PROJECTS INTERNATIONAL,)
LLC; SUILKEE KIM a/k/a CAMERON)
S. KIM; LUCY LU a/k/a LUCY)
YAN a/k/a LUCY YAN LU a/k/a)
YAN LU a/k/a YAN LUCY LU;)
HENRY YANG; MIRA MELTZER;)
JEFFREY M. MORITZ; and)
LAURENCE GERSCHEL a/k/a)
LAURENT GERSCHEL,)
)
and)
)
JOHN DOE DEFENDANTS 1-10)
)
Defendants.)

Deposition of KEVIN SO, taken on
behalf of the Defendants, at 1999
Avenue of the Stars, Suite 400,
Los Angeles, California, commencing at
9:07 A.M., Thursday, March 11, 2010,
before Deanna Deremo, Certified
Shorthand Reporter No. 13398.

1 **Q** Do you also understand that it's your 09:08
2 obligation to tell the truth? It's the same as if
3 you were in a courtroom before Judge Pregeson today,
4 who is our judge in this case.

5 **A** I understand that. 09:09

6 **Q** Do you also understand that under American 09:09
7 law if you do not tell the truth to all the
8 questions that you're asked during your deposition,
9 that you are potentially subject to civil and
10 criminal penalties including possibly going to jail?

11 **A** I understand that.

12 **Q** You were a participant in litigation in 09:10
13 the United Kingdom involving HSBC and Michael Brown;
14 is that correct?

15 **A** That is correct. 09:10

16 **Q** Isn't it true, Mr. So, that you did not 09:11
17 tell the truth in answering all of the questions
18 asked of you during the HSBC trial in London?

19 **A** I would like to make a statement before we 09:11
20 officially start today.

21 **Q** Well, we have started, and I asked you a 09:11
22 very specific question. I'd like an answer to my
23 question.

24 **A** Would you please repeat your question?

25 **Q** Isn't it true, Mr. So, that you did not 09:11
...
...

1 tell the truth in answering all of the questions 09:11
2 asked of you during the HSBC trial in London?

3 A Everything I said in the court in the
4 United Kingdom was true.

5 Q Did you tell the truth in responding to 09:12
6 all of the questions asked of you in the Suchanek
7 trial in Washington D.C.?

8 MS. TAN: Excuse me. It's Suchanek.

9 THE INTERPRETER: Suchanek. Thank you.

10 THE WITNESS: Yes, I said the truth. 09:12

11 BY MR. DONOVAN:

12 Q Did you tell the truth, Mr. So, in all of
13 your written testimony in the HSBC case in London?

14 A Repeat, please.

15 Q Did you tell the truth, Mr. So, in all of 09:13
16 your written testimony in the HSBC case?

17 A I did not prepare the statement for the
18 court in the United Kingdom, and I did not sign it
19 either.

20 Q Are you aware that in the HSBC case in 09:13
21 London, written statements were submitted under the
22 name of Kevin So?

23 A Repeat your question, please.

24 MR. DONOVAN: Why don't we have it read 09:14
25 back?

1 the room.

09:17

2 BY MR. DONOVAN:

3 Q Did you have lawyers who represented you
4 in the HSBC case?

5 A I did.

09:17

6 Q Who were the names of the lawyers who
7 represented you in the HSBC case?

8 A During that period I had two attorneys.

9 One was from the United Kingdom. The name was
10 Bivonas, and one was a U.S. attorney, and the name
11 was Suchanek.

09:18

12 Q Did you also get legal advice at any time
13 during the HSBC case from the Kalbian Law Firm?

14 A I don't understand the question.

15 Q Did the two lawyers in this room,
16 Mr. Kalbian and Mr. Hagerty, provide you with any
17 advice or counsel at any time during the HSBC
18 litigation?

09:18

19 A To my recollection when I appeared in
20 court, the two gentlemen you just named were not
21 representing me yet.

09:19

22 Q All right. I didn't ask you whether
23 Mr. Kalbian or Mr. Hagerty represented you in court.
24 I asked you whether you got any legal advice or
25 counsel from Mr. Kalbian or Mr. Hagerty at any time

09:19

1 answered.

09:34

2 THE WITNESS: I already provided the
3 answer. In court before it started, my attorney had
4 already made the statement for me.

5 BY MR. DONOVAN:

09:36

6 Q Which attorney?

7 A In court there were QC and attorney from
8 Bivonas.

9 MR. KALBIAN: Bivonas, B-i-v-o-n-a-s.

10 BY MR. DONOVAN:

09:36

11 Q What's the name of the attorney who made
12 the statement to the Court that Ms. Lu had no
13 interest in the proceeds invested with Michael
14 Brown?

15 A I don't recall which attorney made the
16 statement, but it was -- there were the two
17 attorneys there in court making statements.

09:37

18 Q Were you there with them when the
19 statement was allegedly made?

20 A I was.

09:37

21 Q Did HSBC offer \$9 million to settle the
22 case with you?

23 A Yes.

24 Q You rejected that settlement offer;
25 correct?

09:38

1 will revise the translation. If she does not agree, 09:45
2 she will not revise the translation, and the check
3 translator can put her alternative view on the
4 record if she wants. No banter from the lawyers.

5 We can move on. Mr. Kalbian is shaking his head in 09:45
6 agreement, and I think we all agreed off the record
7 that was the most productive way to proceed.

8 MR. KALBIAN: And for the record, that's
9 fine with me.

10 BY MR. DONOVAN:

11 Q Mr. So, am I understanding your testimony
12 correctly that the only reason the case didn't
13 settle was because Mira Meltzer and Leonard Suchanek
14 wanted their names added to the settlement
15 agreement; is that your testimony? 09:47

16 MS. TAN: Excuse me. Can you repeat your
17 question again? At the end I think there's a very
18 important word.

19 MR. DONOVAN: I'll ask it again because we
20 got to get answers, and we got to move. 09:48

21 THE INTERPRETER: Please. Thank you.

22 BY MR. DONOVAN:

23 Q Is it your testimony, Mr. So, that the
24 only reason the HSBC case didn't settle was because
25 Judge Suchanek and Ms. Meltzer wanted their names 09:48

1 added to the settlement document? 09:48

2 A I don't know whether that was the reason
3 or not. At the time they wanted to add the two
4 names, and after the two names were added, there was
5 no more response. So I don't know the real reason. 09:49

6 Q Was the response that you authorized your
7 lawyers to give HSBC \$9 million in adding Suchanek
8 and Meltzer's names to the document or something
9 else?

10 A I don't recall the content of the 09:49
11 response.

12 Q Isn't it true, Mr. So, that during your
13 settlement negotiations with HSBC, you received
14 advice from the Kalbian Hagerty Firm?

15 A I don't recall the details at that time. 09:50

16 Q Yes or no, did you get advice from the
17 Kalbian and Hagerty Firm during the settlement
18 negotiations with HSBC?

19 MR. KALBIAN: Objection. Asked and
20 answered. 09:50

21 THE WITNESS: I already answered the
22 question.

23 BY MR. DONOVAN:

24 Q Did you get advice from any lawyer other
25 than Leonard Suchanek during your settlement 09:51

1 month?

12:01

2 A I don't.

3 Q The conversation that you just recounted
4 with Ms. Lu, was that in person or over the phone?

5 A Through telephone.

12:01

6 Q How many conversations did you have with
7 Ms. Lu about Dr. Kondas in 2005?

8 A I don't recall.

9 Q You only recall the one as you sit here
10 today?

12:02

11 A It was more than once.

12 Q Okay. Can you -- do you remember a second
13 conversation?

14 A My memory is blended together. I am not
15 able to recall exactly which conversation there was.

12:02

16 Q How sure are you that, in fact, there was
17 more than one conversation with Ms. Lu mentioning
18 Dr. Kondas in 2005?

19 A She mentioned him more than once.

20 Q To fully explore your recollection, can
21 you remember any other details Ms. Lu ever
22 reportedly said about Dr. Kondas other than the one
23 conversation you've already told us about?

12:03

24 MR. KALBIAN: In 2005?

25 MR. DONOVAN: Anytime.

12:03

1 THE WITNESS: I do.

12:03

2 BY MR. DONOVAN:

3 Q What else do you remember?

4 A Every time when funds were needed to be
5 wired to KM & A, Lu would bring it up. And she
6 would say that pursuant to the contract, 20 percent
7 of the -- she would say that pursuant to the
8 contract, there was a 20-percent commission payable
9 to KM & A. And at each payment, KM & A would issue
10 a receipt.

12:05

12:06

11 Q Did you ever instruct Ms. Lu not to wire
12 money to KM & A?

13 A According to Lu, she had already signed a
14 contract with KM. And KM is an entity of the U.S.
15 Federal Bank, and Kondas is an official at U.S.
16 Federal Bank, and this 20-percent commission is
17 something that has to be paid to him.

12:07

18 Q Did you ever pick up the phone and call
19 Dr. Kondas and ask him whether he was affiliated
20 with any United States bank?

12:07

21 MR. KALBIAN: Objection. Asked and
22 answered.

23 THE WITNESS: I already answered.

24 MR. DONOVAN: I never asked a question at
25 any time today -- wait. Let me finish, and I'm not

12:08

A I don't recall. However, the conspiring cohort said that there are rules in this industry. What -- they said that there are rules in humanitarian projects, and it will be depending on the transaction conditions.

Q Isn't it true you didn't ask Ms. Lu at all about the profits that could be expected from the transactions with Michael Brown?

A They were not able to provide me with a precise figure. They said that in humanitarian projects, there are the project's own rules, and it would be depending on the transaction conditions.

Q Did you have a specific expectation as to
-- strike that. At any time have you studied for a
Master's Degree in Economics?

A After work I have read some books in Economics.

Q Are you studying for a Master's Degree in
Economics or not?

A I am reading books in the field.

Q On your own?

A For so many years because of the litigation, I don't even have time to do my business. How do I find time to go back to school?

Q This is a self-study course? 15:15

1 **A** Yes.

15:15

2 **Q** Did you understand on the Michael Brown
3 transactions that if you wanted to you could get
4 your money back at any time?

5 **A** I don't understand your question.

15:16

6 **Q** Well, you answered it in the United
7 Kingdom case. So let me ask it again. Did you have
8 an understanding that if you wanted to get your
9 money back on the transactions with Michael Brown
10 that you could get your money back at any time?

15:16

11 **A** Based on Lu, Yang, and the conspiring
12 cohort, my money was with an account in Youpai, and
13 the principal will not go down, and the money can be
14 taken back at any time.

15 **Q** Who would you have to ask to get your
16 money back?

15:17

17 MR. KALBIAN: Objection to the form of
18 that question.

19 THE WITNESS: I really should take time to
20 carefully ask those who conspired to defraud me.

15:18

21 BY MR. DONOVAN:

22 **Q** Isn't it true that you hadn't thought
23 about it carefully before making the investment who
24 you might need to ask to get your money back?

25 MR. KALBIAN: Objection to the form.

15:19

1 about the transactions with Michael Brown? 15:51

2 **A** I need to have the question clarified.

3 **Q** What about it do you need clarified?

4 **A** I didn't understand your question.

5 **Q** Well, a virtually identical question was 15:52
6 asked of you in the HSBC trial, and you answered it.

7 But irrespective of that, I will rephrase it. Did

8 Ms. Lu prevent you from consulting an adviser to
9 give you independent advice about your proposed

10 transaction with Michael Brown? 15:52

11 **A** That's because way from the beginning, Lu
12 had me sign a confidentially agreement. Therefore,
13 I followed the terms in the confidentially
14 agreement. And HSBC, even in Hong Kong, is a very
15 big bank. And Lu provided letters of recommendation 15:55
16 and instruction issued by HSBC in the contract. And
17 Lu also said that the money would be with an account
18 at HSBC, and this account will not cause any loss in
19 the principal. And based on all that, HSBC is a
20 very dependable, big bank, and we checked with HSBC
21 about all the information provided to us. 15:56

22 **Q** Who's the "we" in we checked?

23 **A** Lu told the information to Birui and
24 myself. So we agreed to check with HSBC about the
25 information. 15:57

1 Q So you and Birui Wang went to HSBC and 15:57
2 checked?

3 A I checked with HSBC through email.

4 Q When? What year?

5 A 2005. 15:57

6 Q What month?

7 A April.

8 Q What did you ask them?

9 A I will tell you what I can recall. The
10 document was drafted by Lu, and it was in English. 15:58
11 Lu told me it was to check whether the bank was a
12 truly no depreciation in the principal account.
13 Whether the account was a true, no-loss account. I
14 don't recall the rest.

15 Q Did HSBC respond to you and promise you 15:59
16 that you couldn't lose money on this investment?

17 MR. KALBIAN: Objection to form. He can
18 answer.

19 THE WITNESS: Through Brown, response from
20 HSBC was received. 16:00

21 BY MR. DONOVAN:

22 Q Is that the incident in which Mr. Brown
23 got furious that someone had contacted HSBC?

24 A Yes.

25 Q You were aware that Mr. Brown was furious 16:00

1 with the contact to HSBC before investing any money 16:00
2 with Mr. Brown; right?

3 **A** Yes.

4 **Q** You invested with him anyway?

5 **A** I thought at the time that since HSBC did 16:02
6 not respond to me directly, instead HSBC responded
7 to Brown. In addition Lu said -- well, they said --
8 the cohorts said that, "See. That shows what a big
9 shot Brown is. Brown could get so furious. So you
10 should believe that this is all true." That's what 16:02
11 happened.

12 MS. TAN: May I? Per my request to Brown.

13 MR. KALBIAN: Do we have an agreement on
14 the interpretation?

15 THE INTERPRETER: Yes. To make the record 16:03
16 clear, allow me to make the complete rendition.

17 THE WITNESS: That's because at the time I
18 thought since HSBC did not respond to me directly
19 instead they turned my request to Brown and
20 responded to Brown. And in addition, Lu said -- 16:03
21 well, the cohorts said, "See. Brown is such a big
22 shot. He got so furious." All that make me
23 believe. And they said, "This has to be all true."
24 So that's what happened at that time.

25 ///// 16:04